

Notice of Allowability

Application No.

09/873,455

Examiner

Brian J. Sines

Applicant(s)

STAEHLER ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 9/11/2006.
2. ☒ The allowed claim(s) is/are 1-8 and 13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group I comprising claims 1 – 8 and 13 in the reply filed on 9/11/2006 is acknowledged. Claims 14 and 15 are canceled.

Allowable Subject Matter

Claims 1 – 8 and 13 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the cited prior art neither teach nor fairly suggest a method of producing a fluid device with a fluid structure having an active height, said method comprising the following steps:

providing a basic wafer comprising a supporting substrate, an intermediate layer on the supporting substrate and a to be patterned layer on the supporting substrate, the thickness of the to be patterned layer determining the active height of the fluid structure, said intermediate layer being of such a material that it is essentially not impaired by a patterning step to pattern the to be patterned layer;

patterning the to be patterned layer so as to obtain a patterned layer and to produce the fluid structure of the fluid device, the fluid structure extending from a first surface of the patterned layer to the intermediate layer;

attaching a first transparent wafer so that the fluid structure is covered;

removing the supporting substrate and the intermediate layer so that the fluid structure is exposed at a second surface of the patterned layer; and

attaching a second transparent wafer so that the fluid structure is covered.

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Regarding claim 13, the cited prior art neither teach nor fairly suggest a method of producing a fluid device with a fluid structure having an active height, said method comprising the steps of:

providing a basic wafer comprising a supporting substrate, an intermediate layer on the supporting substrate and a to be patterned layer on the intermediate layer, the intermediate layer being transparent and of such a material that it is essentially not impaired by a patterning step to pattern the to be patterned layer, and the thickness of the to be patterned layer determining the active height of the fluid structure;

patterning the to be patterned layer so as to obtain a patterned layer and to produce the fluid structure of the fluid component) the fluid structure extending from a first surface of the patterned layer to the intermediate layer;

attaching a first transparent wafer so that the fluid structure is covered;

removing the supporting substrate so that the transparent intermediate layer is exposed; and

attaching a second transparent wafer to the intermediate layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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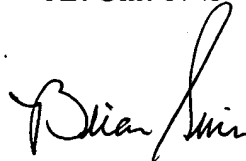
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J. Sines
Primary Examiner
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A handwritten signature in black ink, appearing to read "Brian J. Sines", is written over the printed name and title.